

BOYD & BOYD, P. C.
ATTORNEYS AND COUNSELLORS AT LAW
14TH FLOOR, BANK OF AMERICA CENTER
ONE COMMERCIAL PLACE



SDMS DocID 2241180

ROBERT FRIEND BOYD

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*ALSO ADMITTED IN D.C.

NORFOLK, VIRGINIA 23510

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J. RANDOLPH DAVIS
(1905-1996)WILLIAM L. PARKER
(1892-1979)

November 21, 2011

Mrs. Racine L. Davis (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Required Submission of Information
Oceana Salvage Site Virginia Beach, Virginia

Dear Ms. Davis:

Please receive this letter and the associated documentation contained herewith, in response to the EPA's letters of August 29, 2011 and September 28, 2011, seeking information regarding the ability of Oceana Salvage, Inc. and Julie Malbon, to pay for clean-up at the Oceana Salvage site. For ease of reference, this letter lists my client's responses according to the "Enclosure" designations used by the EPA in its above referenced correspondences to my client. I provide explanatory comments below regarding certain items requested.

EPA request of August 29, 2011, Enclosure E
Information to be submitted on behalf of Oceana Salvage, Inc.

1. Enclosed are Oceana Salvage, Inc.'s Federal Income Tax Returns for 2007-2010. Records dating earlier than 2007, for the Corporation, were left at the Oceana Salvage site when it was leased to its present tenant, Anolia Recycling, L.L.C. In an effort to fulfill these requests, Ms. Malbon has returned to the Oceana Salvage site, but has been unable to locate any of the older tax returns.
2. Completed copy of Financial Statement of Cooperate Debtor "Enclosure F." Please be advised that Oceana Salvage, Inc. was a mom and pop operation run by Ms. Malbon's husband who passed away in 2001. Ms. Malbon attempted to run this operation as the primary source of income available to her after her husband's passing, but eventually had to abandon the operation for health reasons. Ms. Malbon simply inherited this Company and was unable to continue running it after a few years.
3. No documents are provided in response to this request for financial statements of the Corporation as no such documents were ever generated for this small Company.

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4. The only Agreement in place regarding the subject property is a **Rental Agreement** with **Anoia Recycling, L.L.C.** A **copy** of which is **enclosed** herewith. Please note that the Rental Agreement calls for the payment of rent at a monthly rate of \$10,000.00, with periodic annual increase. However, because of recessionary conditions, not only has Ms. Malbon not been able to impose any increases in the rental rate upon her tenant, but she had to reduce the tenant's rent as of 2008 to \$8,000.00 per month. That reduced rental rate remains in effect to present. Other than typical utility easements, providing utilities to the property, there is an easement with the U.S. Department of the Navy for access to the property from Oceana Boulevard and an encumbrance upon the air rights over the property by the United States Navy, both of which issues the Government is aware and of which the Government already has copies of said easements.
5. There have been no related party transactions involving Oceana Salvage, Inc., over the last 10 years.

Information to be submitted on behalf of Julie Malbon

1. Julie Malbon acquired the site by inheritance following the death of her husband, Rodney M. Malbon, Jr. on August 31, 2001. Pursuant to Mr. Malbon's Last Will and Testament, dated January 19, 1989, his wife, Julie Malbon was his sole heir. A copy of Mr. Malbon's Last Will and Testament along with the associated probate documents is attached. Julie Malbon had not been involved in the operation of Oceana Salvage prior to her husband's death.
2. At the time of her inheritance of the site, upon the death of her husband, Ms. Malbon had no reason to know of any hazardous substances having been disposed of on or at the site. As stated above, Ms. Malbon was not involved in the operation of Oceana Salvage, Inc., she did not frequent the site, and her husband did not discuss issues concerning the business with her prior to his death. Ms. Malbon undertook no investigations of the site prior to acquiring it.
3. Enclosure G Financial Statement for Individuals. Please note that Ms. Malbon has a present monthly income of \$8,558.00, which is comprised of \$8,000 in rent from the site and \$558 in SSI benefits. Ms. Malbon's total fixed monthly expenses are \$8,317.43, for difference of \$240.57 per month for discretionary spending. Please also note that the site "1040 Oceana Boulevard" has an assessed value of \$352,500.00; however, due to the Environmental issues associated with this property it is not sellable and virtually impossible to use as collateral for a loan in light of today's environmental regulatory and lending environment. Furthermore, Ms. Malbon would not have the income to make payments upon an additional loan were she able to obtain one.
4. The U.S. Federal Income Tax Returns requested are enclosed. No such returns have been audited, corrected, amended, or changed and my client does not anticipate or is in the process of an audit relating to any of the submitted returns.

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5. Ms. Malbon submitted documentation relating to her ability to pay or perform the cleanup at Oceana Salvage site to the EPA in 2007.
6. Ms. Malbon has no interest in Real Estate/Personal Property, which inure to her benefit other than the heretofore disclosed Lease with Anolia Recycling, LLC, except that she was approached by SAI Communications about the leasing of a small area on the site for a cell tower, which would have generated income of \$100 per month. Unfortunately, SAI has decided not to proceed with this site.
7. It is Ms. Malbon's belief that no Federal Income Tax Returns have been filed for Tidewater Auto Glass, Inc. for 2006-2010. As Tidewater Auto Glass, Inc. ceased operations sometime around 2005.

Additional Financial Requests for Information

1. Ms. Malbon has had no business dealings with Mr. Nick Anolia, Anolia Recycling, LLC and or any business in which Nick Anolia is an Officer, Director, Investor, Shareholder, or Employee other than the relationship of Landlord and Tenant governed by the attached Lease Agreement for the rental of the site.
2. See attached Lease Agreement between Julie Malbon and Anolia Recycling, LLC.
3. There are none.

EPA request of September 28, 2011 "Enclosure E"

- 1-5. Ms. Malbon does not have in her possession copies of any property, casualty, liability, bodily injury or property damage policies in connection with the site and or its business operations whatsoever, including, the period of 1995-2011. Upon investigation, however, we have determined that certain policies of insurance were written through two brokers through three separate insurance companies covering the period of 1996-2005. Attached hereto, are email communications with Inco Insurance Group, through whom certain coverage was written for the Oceana site through Providence Washington in 1996 and 1997 and with CNA Insurance Company for the years 1997-2002. The representative at Inco Insurance Group believes Providence Washington may no longer be in business, but has provided contact information for CNA Insurance Company. For the period, September 19, 2002-September 19, 2005, Commercial Property and General Liability Insurance was written through Suffolk Insurance by insurer Royal Oak. A contact number for Royal Oak has been provided by Suffolk Insurance. Please see the attached email responses listing these insurance companies and policy numbers. Ms. Malbon has not carried insurance upon the site or business since that time.
6. No claims have been made by Oceana Salvage, Inc. nor Ms. Malbon for any Insurance Policy in connection with the site. To Ms. Malbon's knowledge, no such claims were made by her deceased husband, Sunny Malbon.
7. No such documentation has been located other than correspondences between Ms. Malbon's counsel, Boyd & Boyd, P.C. and the DEQ, the EPA, and the Navy, since 2001.

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8. There have been no such settlements.
- 9.
10. There is no document retention policy in place nor has there been one in the past.
11. See response to questions number 33 and 35 of Enclosure G, "Financial Statements of Individual."
12. In 2005, I was the victim of a motor vehicle accident in which I was fairly seriously injured. Boyd & Boyd, P.C. handled my Personal Injury Claim and on September 10, 2008, I received \$48,176.48. That money has since been spent, primarily toward paying legal and engineering fees associated with the 2008 Environmental Remediation of the Oceana Salvage, Inc. site.
13. I have not such interest.
14. I am neither a Plaintiff nor Defendant in any action now pending in Court.
15. I am not a party to any arbitration proceeding now pending.
16. There are no judgments or decrees outstanding against me.
17. My only guarantees of indebtedness are to TowneBank for the monies borrowed to contribute to the Environmental Remediation, this site, in 2008 and the mortgage upon my Condominium.
18. These questions have been answered by Julie A. Malbon with the assistance of her Attorney, James M. Boyd, telephone number 757-622-3611.
19. Julie A. Malbon and James M. Boyd, Esq.
20. None.
21. See answers to questions 1-5.
22. James M. Boyd has commented upon what appears to be the U.S. Navy's responsibility for the generation of transportation to and release of contamination at the site in his cover letter attached to these answers. In addition, it is common knowledge that the area around Oceana Salvage, Inc. was historically used by residents of Princess Anne County as a disposal site unrelated to the activities of Oceana Salvage, Inc.

I trust that the enclosed have provided sufficient updated information to the EPA to conduct its "ability to pay" analysis on behalf of Ms. Malbon. As you are aware, Ms. Malbon is an innocent party to the contamination which has been remediated on site and to the contamination sought to be remediated by the U.S. Navy. Quite simply, Ms. Malbon is an elderly widow, in ill health, who inherited this problem. It has been a source of extreme stress, as well as expense for her. Ms. Malbon contributed what she could, within her means, to the remediation of the Oceana Salvage site in 2008. As you can see, she continues and will continue, until 2019, to make payments upon the amount that she managed to borrow in association with that site remediation, to make contribution to those efforts. It is highly unlikely she could borrow any further funds and certainly does not have the where with all to make additional monthly loan payments.

Moreover, compelling evidence has come to light by way of eye witness accounts and an examination of the debris located adjacent to the access easement to the Oceana Salvage site, which point to the Navy as having been a major contributor of the batteries and other items of

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contamination, which are the subject of the pending proposed mitigation. On behalf of Ms. Malbon, I have repeatedly suggested that joint interviews of these eye witnesses take place to memorialize their accounts of Navy trucks loaded with batteries, dumping the Navy's batteries at this site. I have, more recently, provided photographs of the debris adjacent to the access road, which looks to be from the Navy also. I have yet to receive any reply regarding this photographic evidence nor my several requests to secure the statements of the eye witnesses, in a formal way.

It is my hope that under the totality of these unfortunate circumstances and in all fairness to Ms. Malbon, any matters relating to the remediation of the Oceana Salvage site, the surrounding property, and the access road can be brought to a conclusion at this time, with no further liability to Ms. Malbon.

I look forward to your response, once you have had the opportunity to digest the enclosed information. Should you need anything further, do not hesitate to let me know.

Most sincerely yours,

A handwritten signature in black ink, appearing to be 'J. Boyd', with a long horizontal flourish extending to the right.

James M. Boyd, Esq.

JMB/jtv

Enclosures

cc: Thomas A. Cinti, Esq.

cc: David Marquez

cc: Julie Malbon

MEMORANDUM OF FACTS - PROBATE

Court File No.: 2001-840

COMMONWEALTH OF VIRGINIA - VIRGINIA BEACH CIRCUIT COURT

(For appointment of executor, administrator, curator, and/or probate of a will without qualification)

Decedent's Full Name: **RODNEY M. MALBON AKA RODNEY MURRAY MALBON, JR. , MARRIED**

Decedent's Residence address at death: 316 WINSTON SALEM VIRGINIA BEACH, VA 23451

Date of Birth: JUNE 10, 1929 Date and place of death: AUGUST 31, 2001, VIRGINIA BEACH, VA

Proof of Death: CERTIFIED DEATH CERTIFICATE

The Decedent died: WITH A WILL DATED JANUARY 19, 1989

Decedent's will is NON HOLOGRAPHIC

If Testate: WILL ADMITTED TO PROBATE

How Proved: SELF PROVING AFFIDAVIT

Name of Person Making Request: **JULIA ANNE MALBON**

Mailing Address: 316 WINSTON SALEM VIRGINIA BEACH, VA 23451

I hereby certify that to the best of my knowledge and belief, this is an accurate statement of facts, and I acknowledge a continuing legal duty to report any later discovered errors or inconsistencies to the Clerk of Court.

Date: September 19, 2001

Julia A Malbon Julia A Malbon
Printed Name of Requesting Person Signature of Requesting Person

TAX AND FEES COLLECTED

State Tax \$ 374.49 City Tax \$ 124.83 Probate Fee \$ 29.00

Qual. Fee \$ Rev. Fee \$ 1.00 Library Fee \$ 3.00

Copies \$ Certificates \$ **TOTAL FEE \$ 532.32**

INFORMATION REQUESTED

Information to be submitted on behalf of Oceana Salvage, Inc.

1. It is requested that you provide a copy of the U.S. Corporate Income Tax Return for an S Corporation, Form 1120S for **2003 thru 2010**. You are to provide a facsimile of the tax return submitted to the Internal Revenue Service that contains any and all attachments that would be required by the Internal Revenue Service at the time of filing. Furthermore, if any of the returns provided have been audited, corrected, amended or changed, or if you have been notified of any audit, please describe the circumstances pertaining to that event.
2. A completed copy of the document titled "Financial Statement of Corporate Debtor" (Enclosure F). In completing this document please indicate clearly for all assets and debts identified on the questionnaire the type of ownership of each asset described, i.e., owned individually, owned jointly with affiliate/subsidiary/parent or owned with other parties.
3. Provide a copy of any and all financial statements that apply to **2003 thru June 2011**. This is to include all internal and external audits, balance sheets, income statements and other statements that purport to describe the worth and/or income and expenses of Oceana. In addition, if at any point in **2003 thru June 2011** you were required to submit financial statements, please provide a copy of what was submitted as well as an explanation which describes the reason for submission, e.g., for loan or for demonstration of the financial capability to deliver on a contract.
4. You are asked to provide copies of all rental agreements, easements, exclusive rights to use, options to buy, or other documents that describe interests in real estate and/or personal property possessed by Oceana or possessed by other entities for Oceana's benefit currently in existence or which were in effect since your last submission to EPA. If there are any oral agreements pertaining to these agreements or other unwritten agreements exist, please provide the specified as to the length of the agreement, the specific requirements of the agreement and the compensation payable regarding the agreement.
5. Identify and describe all Related Party Transactions, as set forth below, that apply to Oceana for the last ten years. Your response should identify the stated dollar value of the Related Party Transaction and the basis for this dollar value. Related Party Transactions include all transactions between and/or with Oceana and any and all of the following:

Affiliated corporations, affiliated partnerships or other business entity that although it is not owned by Oceana may have one or more of the same owner(s)/investor(s) as does Oceana.

The parent corporate entity, all subsidiary entities of the parent corporation and all subsidiaries of Oceana.

The stockholders of Oceana.

Information to be submitted on behalf of Julia Malbon

1. Did you acquire the Site by inheritance or bequest? Describe all facts on which you base the answer to the preceding question and provide all documents evidencing such acquisition, including a copy of all deeds or wills regarding this Site.
2. At the time you acquired any interest at the Site; did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
3. Please complete the attached document titled "Financial Statement for Individuals" (Enclosure G). For each asset and debt identified in completing this document, please state whether such asset or debt is owned individually, owned jointly with a spouse, or owned with other parties. If an asset or debt is not owned individually, identify all other owners.
4. Please provide a copy of your U.S. Federal Income Tax Returns, Form 1040, for each of the last five years. You are to provide a complete copy of the tax return submitted to the Internal Revenue Service including any and all attachments that were required by the Internal Revenue Service at the time of filing (Schedules A & B, C, F, SE, W etc.). If any of the income, loss, or gain reported on any return was derived from partnership, trust, or subchapter S sources, please provide a copy of the 1065, 1041 or 1120S return as well as any and all attachments to such documents required by the Internal Revenue Service at the time of filing. Please identify whether any of the submitted tax returns have been audited, corrected, amended or changed and explain the basis for all adjustments made. In addition, please state whether you anticipate or are in the process of an audit relating to any of the submitted returns.
5. Please state whether you have submitted, within the last five years, financial information to any person, entity or government. For such submission, identify the person, entity or government to whom such submission was made and the reason you submitted such financial information. For each submission made to obtain financing or to provide financial assurance necessary to demonstrate the capability to perform a service or activity, provide a copy of the submission.
6. Please provide copies of all rental agreements, easements, exclusive rights to use, options to buy, or other documents that describe interests in real estate and/or personal property possessed by you or possessed by other entities for your benefit, currently in existence or which were in effect for the past five years. If there are any oral agreements pertaining to

these agreements or other unwritten agreements exist, please provide the specifics as to ~~the length of the agreement, the specific requirements of the agreement and the~~
compensation payable regarding the agreement.

7. Your 2005 Federal Income Tax Return identifies an entity named Tidewater Auto Glass, Inc. Provide a copy of the U.S. Corporate Income Tax Return for an S Corporation, Form 1120S for 2006 thru 2010 for Tidewater Auto Glass, Inc.. You are to provide a facsimile of the tax return submitted to the Internal Revenue Service that contains any and all attachments that would be required by the Internal Revenue Service at the time of filing. Furthermore, if any of the returns provided have been audited, corrected, amended or changed, or if you have been notified of any audit, please describe the circumstances pertaining to that event. Tidewater Auto Glass, Inc. is to provide a completed copy of the document titled "Financial Statement of Corporate Debtor." In completing this document please indicate clearly for all assets and debts identified on the questionnaire the type of ownership of each asset described, i.e., owned individually, owned jointly with affiliate/subsidiary/parent or owned with other parties. If an asset or debt is not owned individually, identify all other owners.

Additional Financial Requests for Information

1. Identify all business dealings involving Oceana and/or Mrs. Malbon with Mr. Nick Anoaia, Anoaia Recycling, LLC, and any other business entity in which Nick Anoaia is an Officers, Director, investor, shareholder, or employee (Collectively "Anoaia"). For each business dealing provide the following:
 - a. a description of the assets conveyed to Anoaia. The description will include the type of asset, fair market value of the asset at the time of transfer, the basis for the fair market estimate and the date the asset was conveyed.
 - b. a description of services performed by Anoaia on property currently or formerly owned by Oceana or Mrs. Malbon. The description will include the type of service, the fair market value of the service, the basis for the fair market estimate and the date the service was performed.
2. Provide a copy of all leases, sales agreements and other contractual agreements with either Oceana or Mrs. Malbon and Anoaia.
3. If there are any verbal or unwritten agreements or contracts with either Oceana or Mrs. Malbon and Anoaia, please describe the agreement or contract, identify the consideration paid as part of the agreement or contract, the fair market value of the consideration, the basis for the fair market estimate and the date the consideration was paid.

LAST WILL AND TESTAMENT

OF

RODNEY M. MALBON

I, Rodney M. Malbon, a resident of the City of Virginia Beach, State of Virginia, being of sound mind, disposing memory, and over the age of eighteen (18) years, do hereby make, publish and declare this instrument to be my Last Will and Testament hereby revoking all Wills and Codicils heretofore made by me.

ARTICLE I

I direct that all my just debts and funeral expenses, be paid as soon as practicable after my death. I also direct that any memorial services given for me are to be kept at a reasonable expense and on a reasonable scale.

ARTICLE II

At the time of the execution of this Will, I am married and my wife, Julia G. Malbon, is living at the time of the execution of this Will.

ARTICLE III

I direct that all taxes, however designated, that shall be payable by reason of my death, whether assessed with respect to property passing under this Will or otherwise, shall be paid out of and be charged against my residuary estate without reimbursement from any person.

ARTICLE IV

I hereby nominate, constitute and appoint my wife, Julia G. Malbon, as Executrix of this, my Last Will and Testament. If my said Executrix predeceases me or fails, ceases or is unable to

qualify, then and in that event, I nominate, constitute and appoint, C. Roger Malbon, of Virginia Beach, Virginia. I hereby direct that no surety be required on the bond of my Executrix or Alternate Executor, and that an appraisement of my estate be waived.

ARTICLE V

I hereby give, devise and bequeath all of my estate, be it real, personal or mixed, wheresoever situate, unto my beloved wife, Julia G. Malbon. In the event that the said Julia G. Malbon, predeceases me, or should we die in a common disaster, then in that event, I hereby give, devise and bequeath all of my estate, be the same real, personal or mixed, wheresoever situate, unto my son, Gary Lee Malbon, per stirpes.

ARTICLE VI

I hereby give my Executrix all those powers, authorities and discretions as set forth in Section 64.1-57 of the Code of Virginia, 1950, as amended, and the same are hereby expressly incorporated herein as part hereof, by reference thereto, in addition to all other powers, authorities and discretion granted by law.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal to this, my Last Will and Testament, consisting of 4 typewritten pages, at the bottom of the first 2 of which, for the purposes of identification only, I have also subscribed my name, all being done this 19 day of January, 1989.


RODNEY M. MALBON, Testator

The above Last Will and Testament of Rodney M. Malbon, consisting of ____ typewritten pages, this page included, was on the date hereof, signed, published and declared by the said Rodney M. Malbon, as and for his Last Will and Testament, in the presence of us, who in his presence, and in the presence of each other, have subscribed our names as witnesses thereto, believing the said Rodney M. Malbon, to be, at the time of so subscribing our names as witnesses as aforesaid, of sound and memory, and over the age of eighteen (18) years.

[Signature] residing at Virginia Beach, VA
Debra L. Sager residing at Virginia Beach, VA
Susan Sager residing at Virginia Beach, VA

STATE OF VIRGINIA,

CITY OF VIRGINIA BEACH, to-wit:

BEFORE ME, the undersigned authority, on this day personally appeared Rodney M. Malbon, Testator, Richard H. Doummar, Debra L. Sager and Susan Sager, known to me to be the Testator and the Witnesses respectively, whose names are signed to the attached or foregoing instrument, and all of these persons being by me first duly sworn, Rodney M. Malbon, declared to me and to the Witnesses in my presence, that said instrument is his Last Will and Testament, and that he has willingly signed and executed it in the presence of said Witnesses as his free and voluntary act for the purposes therein expressed; that said Witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as his Last Will and Testament in the presence of said

Witnesses who in his presence and at his request, and in the presence of each other, did subscribe their names thereto as attesting Witnesses on the day of the date of said Will, and that Testator, at the time of the execution of said Will was over the age of eighteen (18) years and of sound and disposing mind and memory.

Rodney M. Malbon (SEAL)
RODNEY M. MALBON

[Signature] (SEAL)
Witness

Debra L. Sager (SEAL)
Witness

Susan Sager (SEAL)
Witness

Subscribed, sworn and acknowledged before me by Rodney M. Malbon, Testator, and by Richard H. Dummer,
Debra L. Sager and Susan Sager,
Witnesses, this 19th day of January, 1989.

[Signature]
Notary Public

My Commission Expires:

May 12, 1990

FORM 95.WIL

AFFIDAVIT OF NOTICE REGARDING ESTATE OF RODNEY M. MALBON AKA RODNEY MURRAY MALBON, JR.,
(who died on AUGUST 31, 2001)

I, the undersigned, state under oath/affirm the following:

(Check the applicable block)

1. ☐ I am a personal representative of the estate of the deceased person named above.
☒ I am a proponent of the will of deceased person named above.
☒ I am a person with an interest in the state of the deceased person named above.
2. ☒ No notice was required to be given to any person pursuant to Va. Code § 64.1-122.2

OR

- ☐ I mailed or delivered within 30 days of qualification (or probate) a copy of the notice required by Va. Code § 64.1-122.2 to the following persons shown below:

<u>NAME</u>	<u>ADDRESS WHERE MAILED OR DELIVERED</u>	<u>DATE MAILED OR DELIVERED</u>
-------------	--	-------------------------------------

a. _____

b. _____

c. _____

(Check if applicable)

3. ☐ After exercising reasonable diligence, I have been unable to determine the address of the following persons to whom such notice is required:

(Check if applicable)

4. ☐ After exercising reasonable diligence, I have been unable to identify the names and addressed of the persons described below (such as a child of a deceased person) who may be an heir or beneficiary.

September 19, 2001

DATE

Julia A. Malbon
SIGNATURE

Commonwealth/State of Virginia

City of Virginia Beach

Subscribed and sworn to/affirmed before me this date by the above-named person.

Sept 19, 2001
DATE

Tracey B. Entwistle
DEPUTY CLERK

NOTICE: This affidavit must be recorded in the Clerk's Office where the personal representative qualified or the will was probated.

CLERK'S CERTIFICATE

VIRGINIA: IN THE CLERK'S OFFICE OF THE VIRGINIA BEACH CIRCUIT COURT

Admitted to the record on September 19, 2001.

J. CURTIS FRUIT, CLERK
 BY Tracey B. Entwistle
 Deputy Clerk

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF VIRGINIA BEACH, VIRGINIA

NAME OF DECEDENT: **RODNEY M. MALBON AKA RODNEY MURRAY MALBON, JR.**

DATE OF DEATH: AUGUST 31, 2001

I/we am/are:

☐ Proponet(s) of the will (no qualification)

I/We, the undersigned, hereby state under oath that the following list is/are all of the heirs at law of the Decedent:

NAME	KINSHIP	AGE	ADDRESS
JULIA ANNE MALBON	WIFE	57	VIRGINIA BEACH, VA

Given under my/our hand this day: September 19, 2001



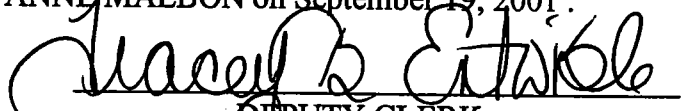
SIGNATURE OF SUBSCRIBER

JULIA ANNE MALBON

State of Virginia

City of Virginia Beach, to wit:

Subscribed and sworn to before me by JULIA ANNE MALBON on September 19, 2001.


DEPUTY CLERK

Virginia:

In the Clerk's Office of the Circuit Court of the City of Virginia Beach on September 19, 2001 the foregoing list of heirs was this day received in office and admitted to record.

J. CURTIS FRUIT, CLERK

By:

, Deputy Clerk